

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

STACY EUGENE MILLER, ID # 910804,)

Petitioner, )

vs. )

No. 3:06-CV-1221-K

ECF

NATHANIEL QUARTERMAN, Director, )

Texas Department of Criminal )

Justice, Correctional Institutions Division)

Respondent. )

ORDER DENYING CERTIFICATE OF APPEALABILITY

A Notice of Appeal has been filed in the above captioned action in which the Court has entered a final order in a proceeding pursuant to 28 U.S.C. § 2254. Considering the record in this case and pursuant to Federal Rule of Appellate Procedure 22(b) and 28 U.S.C. § 2253(c), the Court hereby finds and orders:

IFP STATUS:

(X) the party appealing is GRANTED *in forma pauperis* status on appeal.

COA:

(X) a Certificate of Appealability is DENIED. For the reasons stated in the Findings, Conclusions and Recommendations of the United States Magistrate Judge, filed on **July 13, 2007**, which the District Court accepted on **August 13, 2007**, the petition for writ of habeas corpus is barred by the statute of limitations. *See* 28 U.S.C. § 2244(d); *Sonnier v. Johnson*, 161 F.3d 941, 943-44 (5th Cir. 1998). Petitioner has failed to show that reasonable jurists would find it debatable whether the Court was correct in dismissing his case as time barred. *See Miller-El v. Cockrell*, 537 U.S. 322, 338 (2003); *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000); 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 17<sup>th</sup> day of September, 2007.



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UNITED STATES DISTRICT JUDGE